

REMARKS

Claims 1-3 and 5-10 are pending.

Claims 1, 2, 5 and 7-10 stand allowed.

Claims 3 and 6 are rejected.

Drawings

The indication that the drawings filed were accepted by the Examiner is noted.

Foreign Priority

The indication that the foreign priority documents were received and placed in the file is noted.

Reply to Rejections

Initially it is appreciated that the Examiner detailed his reasons for the rejections. It is considered that this expedites prosecution.

First Rejection

Claim 3 was rejected under 35 U.S.C 102(b) as being anticipated by Avants, US 5,235,348 (Avants). This rejection in view of the amendment to claim 3 is traversed.

Avants does not disclose either specifically or inherently what has been claimed that the writing head is supported movably by the first support member, the second support member, and the

connecting member. Thus, a rejection under 35 USC 102 is not viable.

Although claim 3 has been amended, it is not obvious from the reference applied. The advantage of the feature of the present invention that "the connecting member can be deformed to prevent the writing head and the first and second support members from being influenced by an external force exerted by the forming apparatus on the optical device." This is explained on page 24, lines 9-13 of the specification. This is a result that must be considered in arriving at any conclusion of obviousness. See The Gillette Co. v. S.C. Johnson & Sons, Inc., 16 USPQ2d 1923, 1928 (Fed.Cir. 1990) wherein the Court stated as follows:

An analysis of obviousness of a claim combination must include consideration of the results achieved by the combination. As we explained in the Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1985) [cited in the MPEP].

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection of claim 3.

Second Rejection

Claim 3 was rejected under 35 U.S.C. 102 (b) as being anticipated by Mochimaru et al., US 4,703,334 (Mochimaru). This rejection is traversed.

Mochimaru et al. does not disclose either specifically or inherently the structure of claim 3 as explained above.

Although claim 3 has been amended, it is not obvious from the reference applied. The advantage of the feature of the present invention that "the connecting member can be deformed to prevent the writing head and the first and second support members from being influenced by an external force exerted by the forming apparatus on the optical device" is explained on page 24, lines 9-13 of the specification. This is a result that must be considered in arriving at any conclusion of obviousness. See The Gillette Co. v. S.C. Johnson & Sons, Inc., 16 USPQ2d 1923, 1928 (Fed.Cir. 1990). (explained above).

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection under 35 USC 102.

Third Rejection

Claim 6 was rejected under 35 U.S.C. 103 as being unpatentable over Mochimaru in view of Uchiyama et al., US 6,278,471 (Uchiyama). This rejection is traversed.

Claim 6 is dependent on claim 3 and is considered allowable at least for the same reasons as claim 3.

Also, the addition of Uchiyama does not cure the innate deficiency of the rejection based Mochimaru even though a rejection under 35 U.S.C. 103 was used.

For the reasons set forth above the Examiner is requested to reconsider and withdraw the rejection of the claim under 35 U.S.C. 103.

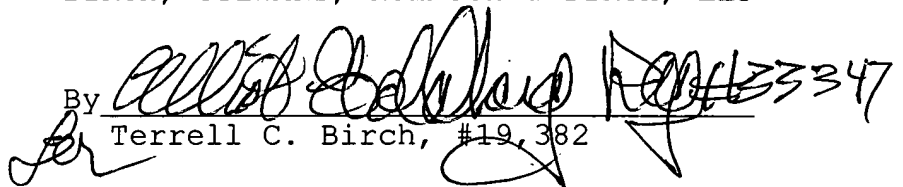
Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Elliot A. Goldberg (Reg. No. 33,347) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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